

UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF NEW YORK

HILDA L. SOLIS, Secretary of Labor,
United States Department of Labor

Plaintiff,

v.

Route 112 Restaurant Corp., a Corporation
dba Metropolis Diner;
and Andrew Manesis Individually and as
President.

Defendants

Civil Action

File No. 10-CV-3970

CONSENT
JUDGMENT

(DRH)

Plaintiff, (the Secretary), has filed her complaint and defendants appeared by Counsel and have waived any defense which they may have and hereby agree to the entry of this Judgment without contest. Defendants acknowledge their responsibilities pursuant to this Judgment, and acknowledge that they will be subject to sanctions in contempt of this Court if they fail to comply with the provisions of this Judgment. It is, therefore, upon motion of the attorneys for the Secretary and for good cause shown:

I. ORDERED, ADJUDGED, AND DECREED that Route 112 Restaurant Corp., dba Metropolis Diner, and Andrew Manesis Individually and as President, their officers, agents, employees, successors, and all persons acting or claiming to act in their behalf and interest be, and they hereby are, permanently enjoined and restrained from violating the provisions of sections 7, 11(c), 15(a)(2) and 15(a)(5) of the Fair Labor Standards Act of 1938, as amended, (29 U.S.C. Section 201 et seq.), (the Act), in any of the following manners:

(A) Defendants shall not, contrary to Section 7 of the Act, employ any of their employees in any workweek who are employed in an enterprise engaged in commerce, within the meaning of the Act, for workweeks longer than the hours now,

or which in the future become, applicable under Sections 7 and 15(a)(2) of the Act, unless the employees receive compensation for their employment in excess of the prescribed hours at rates not less than one and one-half times the employees' regular rates.

(B) Defendants shall not fail to make, keep, and preserve adequate records of their employees and of the wages, hours, and other conditions and practices of employment maintained by them as prescribed by the Regulations issued pursuant to Section 11(c) of the Act and found at 29 CFR Part 516.

Further, the Court finding, as agreed by Defendants that unpaid overtime compensation is to be paid certain employees in the amount of \$43,971.87 according to Exhibit A attached, it is:

II. ORDERED, ADJUDGED, AND DECREED that the defendants Route 112 Restaurant Corp., dba Metropolis Diner, and Andrew Manesis Individually and as President, be restrained from withholding the payment of the \$43,971.87 in overtime compensation to the employees listed in Exhibit A, and be directed to make payment of the said compensation as specified below.

Defendants shall pay \$43,971.87 in overtime compensation to the employees listed on the attached Exhibit A on or before August 10, 2010. Payment of the aforesaid sum shall be made following Exhibit B attached hereto.

Defendants shall pay the back pay by delivering a certified check, bank check or money order made payable to "Wage and Hour-U.S. Labor", mailed to:

U.S. Department of Labor
Wage Hour Division
170 S. Independence Mall West, Suite 859 West
Philadelphia, PA 1906-3317
ATT: Rita Gahagen, CASE ID #1559702

III. In addition, a copy of such payment shall be mailed to:

U.S. Department of Labor
Wage and Hour Division
1400 Old Country Road, Suite 410
Westbury, NY 11590
ATT: Richard A. Mormile, Assistant Director
CASE ID # 1559702; and it is further

IV. ORDERED that, on or before August 10, 2010, the defendants shall pay a Fair Labor Standards Civil Money Penalty in a separate certified check, bank check or money order of \$4,488.00 made payable to "Wage and Hour-U.S. Labor", mailed to:

U.S. Department of Labor
Wage Hour Division
170 S. Independence Mall West, Suite 859 West
Philadelphia, PA 11906-3317

as set forth in Exhibit B. In addition, a copy of such payment shall be mailed to:

U.S. Department of Labor
Wage and Hour Division
1400 Old Country Road, Suite 410
Westbury, NY 11590
ATT: Richard A. Mormile, Assistant Director
CASE ID # 1559702; and it is further

V. ORDERED that the Secretary shall distribute the defendants' payment of back wage compensation plus interest to the employees, or to their estates. Any sums not distributed to the named employees, or to their personal representatives because of inability to locate the proper persons or because of such persons' refusal to accept such sums, shall be deposited by Plaintiff with the Clerk of this Court who shall deposit such money with the Treasurer of the United States pursuant to 28 U.S.C. §§2041 and 2042. Neither defendants nor any one on their behalf

shall directly or indirectly solicit or accept the return or refusal of any sums paid under this Judgment.

Defendants shall make available to plaintiff the social security number and last known address of each employee or former employee listed in Exhibit A of this judgment; and it is further

VI. ORDERED, ADJUDGED AND DECREED that neither the commencement of this action nor the provisions of this consent judgment shall in any way affect, determine, or prejudice any and all legal rights of any employees of defendants not listed in Exhibit A, be they current or former employees, to file any action against Defendant under section 16(b) of the Act or likewise for any current or former employee to file any action against Defendant under section 16(b) of the Act for any violations alleged to have occurred after February 21, 2010.

07/28/2017 01:55 FAX

08/24/2010 11:45

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HARRY MANESIS

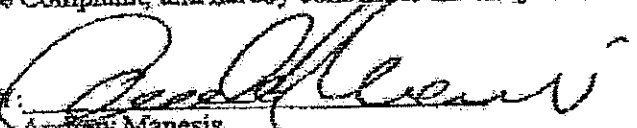
P.005
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VII. It is FURTHER ORDERED, ADJUDGED, AND DECREED that each party shall bear its own fees and other expenses incurred by such party in connection with this proceeding.

DATED: _____
Central Islip, NY

UNITED STATES DISTRICT JUDGE

Defendants appeared by counsel, have waived any further answer and any defense to the Complaint, and hereby consent to the entry of this Judgment.

BY: 
Andrew Manesis
Individually and as President

Date 8/24/10

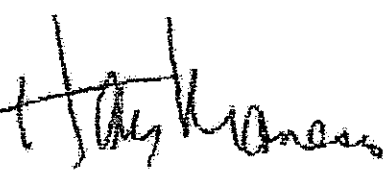
Route 112 Restaurant Corp.

d/b/a Metropolis Diner
Case ID 1559702

BY: Harry Manesis Esq.

Date 8/24/10

HARRY MANESIS, ESQ.
Attorney for Defendants
224W. 30th St.
Suite 803
New York, NY 10001
(212) 947-8710
(212) 564-2543 (FAX)



STATE OF NEW YORK)

:SS:

COUNTY OF NASSAU)

On the 24th day of August 2010 before me personally appeared Andrew Manesis to me known and known to me to be the individual described in and who executed the foregoing instrument and he duly acknowledged to me that he executed the same.



NOTARY PUBLIC

RORY N. SANTO
Notary Public, State of New York
No. 01SA5013321
Qualified in Nassau County
Commission Expires July 15, 2012

Route 112 Restaurant Corp.

d/b/a Metropolis Diner

Case ID 1559702

EXHIBIT A

First Name	MI	Last Name	Gross Amount Due
Alvaro		Alvarez	\$4,050.00
Jose		Argueta	\$1,802.18
Jose (Chepe)		Bernardino	\$2,700.00
Lazaros		Frintzilas	\$1,113.75
Alexander		Fuentes	\$5,025.00
Timoteo		Fuentes	\$4,050.00
Jose		Gomez	\$900.00
Naser		Ibrahim	\$3,600.00
Benjamin		LNU	\$1,456.88
Dennis		LNU	\$2,092.50
Mingo		LNU	\$1,575.00
Filadelfo		Mejia	\$3,600.00
Jose		Moreno	\$3,150.00
Eyad		Mousa	\$3,600.00
Alfredo		Paraona	\$2,556.56
Jose		Zavala	\$2,700.00
		Total	\$43,971.87

EXHIBIT A

Route 112 Restaurant Corp.

d/b/a Metropolis Diner

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EXHIBIT B

<u>Payment No.</u>	<u>Due Date</u>	<u>Total Due</u>
1	08/10/10	\$43,971.87
	08/10/10	\$ 4,488.00 **

*****Civil Monetary Penalty***

EXHIBIT B